

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CITY OF SHOREWOOD,

Civil No. 11-374 (JRT/JSM)

Plaintiff,

v.

ORDER

RONALD R. JOHNSON and
DEE L. JOHNSON,

Defendants.

Corrine A. Heine and Mary D. Tietjen, **KENNEDY & GRAVEN, CHARTERED**, 200 Sixth Street South, Suite 470, Minneapolis, MN 55402, for plaintiff.

Ronald R. Johnson, 5355 Shady Hills Circle, Shorewood, MN 55331, defendant *pro se*.

Dee L. Johnson, 5355 Shady Hills Circle, Shorewood, MN 55331, defendant *pro se*.

Following this Court's recent order prohibiting Ronald and Dee Johnson (the "Johnsons") from filing any new papers in the District of Minnesota concerning their dispute with the City of Shorewood (the "City") without prior written approval or representation by a licensed attorney (Mar. 5, 2012, Docket No. 56), the Johnsons now seek permission to file a Rule 60(b) motion. (Mar. 29, 2012, Docket No. 62). The Johnsons also seek to consolidate this case with one formerly pending before Judge Montgomery. (Mar. 29, 2012, Docket No. 63.) Because the Johnsons identify no

potential basis for Rule 60(b) relief, that request will be denied; the request to consolidate cases will be denied as moot.

The Johnsons request permission to move under Rule 60(b) to seek relief from this Court's order granting Shorewood's motion to remand the case to state court, and imposing certain sanctions on the Johnsons. A Rule 60(b) motion authorizes relief from a final judgment under certain enumerated circumstances, such as fraud, changed conditions, and newly discovered evidence. Fed. R. Civ. P. 60(b). The Rule is not to be used simply to reargue the merits of a case. *Broadway v. Norris*, 193 F.3d 987, 989-90 (8th Cir. 1999). The Johnsons have identified no instance of mistake, surprise, excusable neglect, fraud, misrepresentation, or any other ground that could form the basis of a successful Rule 60(b) motion. Rather, the Johnsons plainly seek – yet again – to reargue the merits of their case against the City. This request is improper. *Id.* Under the circumstances, it is also abusive. (Order at 7-8, Docket No. 56 (noting the Johnsons' abusive filing of redundant claims).) The Johnsons' request for leave to file a Rule 60(b) motion is denied.

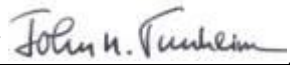
ORDER

Based on the foregoing, and the records, files, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendants' "Petition for Leave to File Rule 60(b) Motion and to Extend Time to Appeal" [Docket No. 62] is **DENIED**.

2. Defendants' "Petition for Consolidation of Cases No. 11-374 and No. 09-3009" [Docket No. 63] is **DENIED as moot**.

DATED: May 8, 2012
at Minneapolis, Minnesota.

s/ 

JOHN R. TUNHEIM
United States District Judge